e
e
e
y.
n

se
a
l-
st
d
l-

n
.
f-

t-

Office - Supreme Court, U. S.
FILED
JAN 6 1955
HAROLD B. WILLEY, Clerk

IN THE

# Supreme Court of the United States

OCTOBER TERM, 1954.

**No. 230**

JAMES P. MITCHELL, SECRETARY OF LABOR, UNITED STATES DEPARTMENT OF LABOR,

*Petitioner,*

*vs.*

JOYCE AGENCY, INC.,

*Respondent.*

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

## MEMORANDUM ON BEHALF OF JOYCE AGENCY, INC.

STANFORD CLINTON,
134 North La Salle Street,
Chicago 2, Illinois,

ROBERT A. SPRECHER,
100 West Monroe Street,
Chicago 3, Illinois,
*Attorneys for Defendant-Appellant.*

Of Counsel:
PRITZKER, PRITZKER & CLINTON,
CROWLEY, SPRECHER & WEEKS.

THE DARNELL-WARREN PRINTING COMPANY, CHICAGO

BLEED THROUGH POOR COPY

IN THE

# Supreme Court of the United States

OCTOBER TERM, 1954.

## No. 230

JAMES P. MITCHELL, SECRETARY OF LABOR, UNITED STATES DEPARTMENT OF LABOR,

*Petitioner,*

*vs.*

JOYCE AGENCY, INC.,

*Respondent.*

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

## MEMORANDUM ON BEHALF OF JOYCE AGENCY, INC.

The judgment of the District Court, which the Secretary of Labor seeks to reinstate by requesting this Court to reverse the judgment of the Court of Appeals, provided for injunctive relief only (R. 19). Subsequent to the entry of such judgment on May 7, 1953, the respondent, Joyce Agency, Inc., ceased doing business and thereafter was dissolved as a corporation by the Secretary of State of Illinois (Affidavit of Edwin G. Boltz hereto attached). The suit for an injunction thereupon became moot.

In *Commercial Cable Co.* v. *Burleson,* 250 U. S. 360, the return of cable lines whose possession had been taken by the Federal government was held to render moot a suit by the owners to enjoin Federal officers from interfering with the plaintiffs' property. This Court there held that it would not render advisory opinions on moot issues. In *Montgomery Ward & Co.* v. *United States of America,* 326 U. S. 690, this Court held that an action to determine the legal status of the seizure of the properties of Montgomery Ward & Co. had become moot after such properties were returned to the owners.

The fact that Joyce Agency, Inc., has ceased doing business and has been dissolved as a corporation renders this action moot.

Respectfully submitted,

STANFORD CLINTON,
134 North La Salle Street,
Chicago 2, Illinois,

ROBERT A. SPRECHER,
100 West Monroe Street,
Chicago 3, Illinois,
*Attorneys for Defendant-Appellant.*

Of Counsel:
PRITZKER, PRITZKER & CLINTON,
CROWLEY, SPRECHER & WEEKS.

BLEED THROUGH POOR COPY

STATE OF ILLINOIS, }
COUNTY OF COOK. } ss.

AFFIDAVIT.

EDWIN G. BOLTZ, being first duly sworn on oath, deposes and says:

1. That he became a director and president of Joyce Agency, Inc., an Illinois corporation, on November 13, 1945, and held such positions until 1953.

2. That he had and has personal knowledge of the legal existence of Joyce Agency, Inc.

3. That prior to October 19, 1953, said Joyce Agency, Inc., was a corporation existing under the laws of the State of Illinois and prior to July 1, 1953, was engaged in the business of furnishing watchmen, guard, detective, fire inspection and shopping service to Goldblatt Bros., Inc.

4. That said Joyce Agency, Inc., is a party to the appeal heard on writ of certiorari by the Supreme Court of the United States in No. 230, October Term, 1954, James P. Mitchell, Secretary of Labor, United States Department of Labor, petitioner, *vs.* Joyce Agency, Inc.

5. That at a duly held meeting of the board of directors of said Joyce Agency, Inc., on September 17, 1953, it was announced that the corporation had ceased doing business since July 1, 1953, and it was resolved that a statement of intent to dissolve be filed.

6. That on September 30, 1953, a statement of intent to dissolve was filed with the Secretary of State of Illinois, and on October 6, 1953, was recorded in the Office of the Recorder of Deeds of Cook County as Document No. 15748187.

7. That said Joyce Agency, Inc., duly executed on October 16, 1953, articles of dissolution pursuant to section 80

of the Business Corporation Act of Illinois (Ill. Rev. Stat., 1953, Chap. 31, par. 157.80).

8. That a certificate of dissolution was issued to said Joyce Agency, Inc., by the Secretary of State of the State of Illinois, on October 19, 1953.

9. That on or about October 2, 1953, said Joyce Agency, Inc., duly executed and filed with the United States Internal Revenue Service form 966, return of information under section 148(d) of the Internal Revenue Code to be filed within 30 days after adoption of resolution of plan of dissolution, or complete or partial liquidation.

10. That on or shortly before July 1, 1953, and since such date, Goldblatt Bros., Inc., has not and does not use any employees of Joyce Agency, Inc., as watchmen, guards, detectives, fire inspectors, or in any other capacity.

11. That Joyce Agency, Inc., has wound up and terminated its affairs and is completely out of business.

EDWIN G. BOLTZ.

Subscribed and sworn to before me this 4th day of January, 1955.

L. R. HANSKE,
*Notary Public.*

BLEED THROUGH POOR COPY